



Wichita-Sedgwick County Metropolitan Area Planning Department

New Western LC
358 N Rock Rd
Wichita, KS 67206

May 27, 2008

Lindy Andeel
358 N Rock Rd
Wichita, KS 67206

RE: CON2008-00006 - Special Review for an existing off-site billboard sign which does not meet the required 300-foot separation from residential zoning. Request to increase the height of this legal nonconforming billboard from 45 to 55 feet, exceeding the sign code height limit. Generally located south of Kellogg Drive and west of Beverly (5325 E Kellogg Drive).

Dear Ladies and Gentlemen:

At its regular meeting on May 8, 2008, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request. No official protests were filed regarding this application, therefore the MAPC approval is a final decision, and the request will NOT be forwarded to the City Council.

This letter serves as official notification of the MAPC approval.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jess McNeely'.

Jess McNeely, AICP
Senior Planner
Current Plans Division

JMC:mc

Copies to: Art Stanfill, Daystar Innovation, Inc., 4031 E. Harry, Wichita, KS 67218
WCC III, Jim Skelton, Mail Stop 1-13
Kurt Schroeder, OCI
JR Cox, OCI

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STAFF REPORT

MAPC May 8, 2008

DAB III May 7, 2008

CASE NUMBER: CON2008-06

APPLICANT: New Western LC c/o Lindy Andeel (Owner), Art Stanfill (Agent)

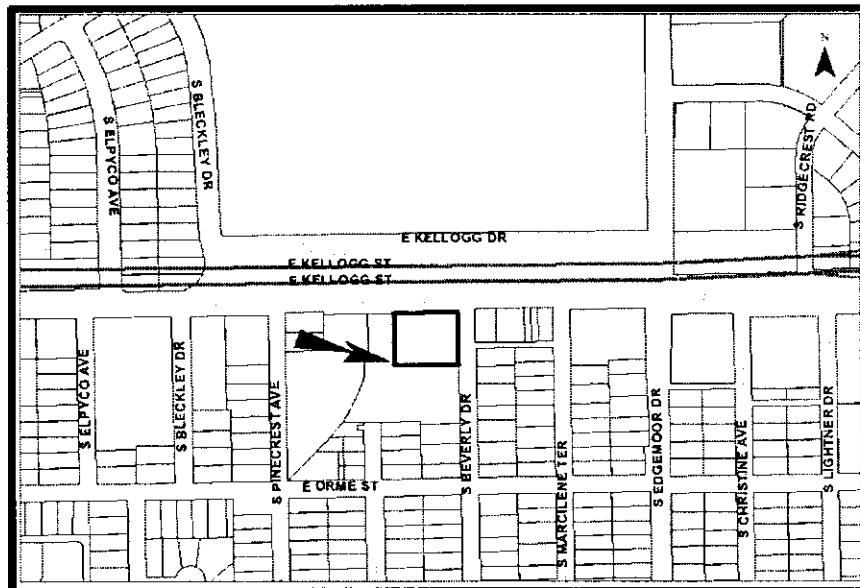
REQUEST: Special Review for an existing off-site billboard sign which does not meet the required 300-foot separation from residential zoning. Request to increase the height of the billboard by 10 feet, from 45 to 55 feet, exceeding the sign code height limit of 36 feet.

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 2.01 acres

LOCATION: Generally located south of Kellogg Drive and west of Beverly (5327 E Kellogg Drive).

PROPOSED USE: Off-site billboard sign



BACKGROUND: The applicant's off-site advertising billboard sign is a legal non-conforming billboard because it is 140 feet from residential zoning and residences southeast of the site, whereas the Wichita Sign Code requires a 300-foot separation from billboards to residential zoning and residences. The billboard is also legal non-conforming as it is currently 45 feet tall, and the sign code would limit this sign to 36 feet in height. The billboard is a 14 by 48 foot, or 672 square foot off-site advertising sign mounted above a commercial building (see the attached site plan and elevation provided by the agent). The two sided (east and west facing) billboard is located south of East Kellogg Drive, west of Beverly. This site is along the East Kellogg Expressway frontage between the Oliver Street overpass and the Edgemoor overpass.

The applicant recently sought and received a Sign Code Administrative Adjustment to change the west facing sign face to an electronic message board, or LED sign. To alter a legal non-conforming sign, the non-conformity must be reduced. The applicant reduced the sign by eliminating skirting below the sign. The Sign Code allows administrative adjustments to raise signs above elevated highways; however, this portion of Kellogg is not elevated but rather at grade.

The applicant now wishes to raise this legal non-conforming sign from 45 to 55 feet, requiring this special review by the MAPC. The Sign Code section 24.04.225(a) states that *"An application for a permit for installation of a new or enlarged (size or height) off-site billboard sign located closer to a residentially-zoned lot or use than allowed by Section 24.04.222.4d of this code (300 feet) shall require a public hearing and approval by the Planning Commission or, if forwarded to the Wichita City Council for final action, shall require approval by the Wichita City Council."*

North of this site is the Kellogg Drive frontage road, and the Kellogg Freeway. North of Kellogg is the GO General Office ("GO") zoned Veterans Administration Hospital. West of the VA Hospital are TF-3 Two-family Residential ("TF-3") zoned single-family residences; east of the VA is an LC Limited Commercial ("LC") zoned retail store. South of this site is an LC zoned restaurant under the same ownership as the applicant, and MF-29 Multi-family Residential ("MF-29") zoned single and two-family residences. East of the site are LC zoned offices and automobile repair, and TF-3 zoned single and two-family residences. West of the site is an LC zoned hotel and restaurant under the same ownership as the application area, an LC zoned office, and MF-29 zoned single-family residences. The nearest other billboard is 390 feet west of this site.

This request was first heard by the MAPC on March 27, 2008, the agent for the applicant withdrew the request at that hearing. The agent stated in the hearing that he wished to change the initial height increase request from eight to 14 feet. The applicant has since contacted staff, and again adjusted its request to a 10-foot height increase. Staff has re-advertised and re-notified the request for a 10-foot height increase, which is to be heard by DAB III and re-heard by the MAPC.

CASE HISTORY: The site was replatted as a portion of the New Western 4th Addition in 1995. The existing billboard was in place prior to the 2004 Sign Code amendments, which

set the 300 foot minimum spacing between billboards and residences.

ADJACENT ZONING AND LAND USE:

NORTH:	GO, TF-3, LC	VA Hospital, retail, single-family residences
SOUTH:	LC, MF-29	Restaurant, two and single-family residences
EAST:	LC, TF-3	Office, auto repair, two and single-family residences
WEST:	LC, MF-29	Hotel, restaurant, office, single-family residences

PUBLIC SERVICES: The site has access from the Kellogg Drive service road, and Beverly, a local/residential street.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Regional Commercial.” Commercial Objective III.B of the Comprehensive Plan encourages commercial areas to: “Develop future retail/commercial areas which complement existing commercial activities provide convenient access to the public and minimize detrimental impacts to other adjacent land uses.”

The 2004 updates to the Sign Code regarding billboard off-site signs were adopted with the objective of preventing billboards within 300 feet of residences, and with the objective of preventing the increase in size or height of legal non-conforming billboards within 300 feet of residences.

RECOMMENDATION: The Sign Code states that the purpose of the community’s sign regulations are: to eliminate potential hazards to motorists and pedestrians; to encourage signs, which by their location and design, are harmonious to their surroundings; eliminate excessive and confusing sign displays; provide a reasonable balance between the need of the sign and outdoor advertising industries while improving and preserving the visual qualities of the community and to promote health, safety and general welfare. This sign is located along an expressway signed for 60 mile per hour speeds.

Staff analysis concluded the following: The existing billboard is visible from eastbound Kellogg east of the Oliver overpass. The existing billboard is visible from westbound Kellogg, east of the Edgemoor overpass, and west of the Edgemoor overpass. The billboard is visible from the north/south oriented Oliver and Edgemoor overpass bridges. An on-site sign for the Wichita Inn may partially obscure this sign from eastbound traffic; however, the hotel sign is on the applicant’s site, and could be adjusted to improve visibility of the billboard.

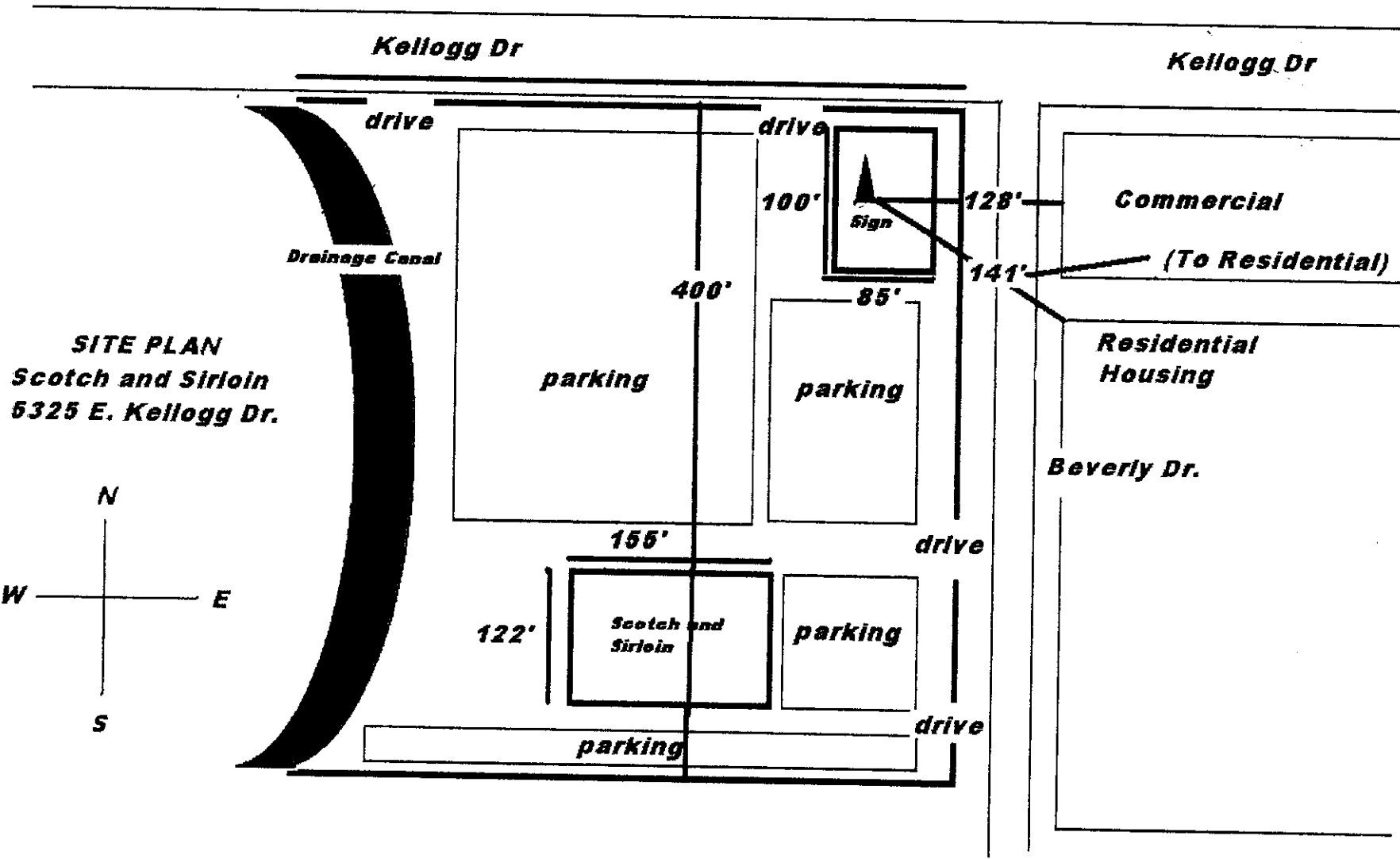
Staff does not see from the information available that an increase in height of ten feet would improve visibility of this sign. Nearby residences, particularly those 140 feet southeast of the site, would be subjected to an increased visual effect from this billboard if the sign height is increased by ten feet. Without information from the applicant demonstrating its need for increased sign height, and weighing the increased negative visual effect on the residents the code is intended to protect, staff does not find that the

request can be supported. Two neighbors opposed to this request attended the March 27, 2008 MAPC hearing. One of those neighbors e-mailed a letter of opposition to planning staff, see the attached letter.

Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of this site are the Kellogg Drive frontage road, and the Kellogg Freeway. North of Kellogg is the GO zoned Veterans Administration Hospital. West of the VA Hospital are TF-3 zoned single-family residences; east of the VA is an LC zoned retail store. South of this site is an LC zoned restaurant under the same ownership as the applicant, and MF-29 zoned single and two-family residences. East of the site are LC zoned offices and automobile repair, and TF-3 zoned single and two-family residences within 140 feet of the sign. West of the site is an LC zoned hotel and restaurant under the same ownership as the application area, an LC zoned office and MF-29 zoned single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The existing billboard off-site sign has legal non-conforming use rights at the current height. The existing height exceeds what the Sign Code would permit today, and appears to function adequately for the applicant.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow the legal non-conforming billboard to increase in height from 45 to 55 feet, further visually affecting nearby residences.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "Regional Commercial." Commercial Objective III.B of the Comprehensive Plan encourages commercial areas to: "Develop future retail/commercial areas which complement existing commercial activities; provide convenient access to the public and minimize detrimental impacts to other adjacent land uses." The 2004 updates to the Sign Code regarding billboard off-site signs are intended to protect surrounding land uses, particularly residences, from the negative visual effects of billboards. The City Council adopted the Sign Code with the objective of preventing billboards within 300 feet of residences, and with the objective of preventing the increase in size or height of legal non-conforming billboards within 300 feet of residences.
5. Impact of the proposed development on community facilities: Traffic on Kellogg Drive and Beverly should not be affected by any changes to the existing billboard.



92-800870V

